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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,704	08/05/2003	Robert L. McDonnell	03063	6744

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DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,704

Applicant(s)

MCDONNELL, ROBERT L.

Examiner

Omar Flores-Sánchez

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's amendment received on 06/01/05.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Santilli (2,972,363).

Regarding claim 1, Santilli discloses (Fig. 1-12) the invention including an electric circular power saw (see Fig. 1), a housing 1, a longitudinal extending mounting member 2, means 7 for removably fixing the mounting member, an annular rotary saw blade 3 having a cutting portion, a driven portion 25, a first axis of revolution (the center axis of the blade), an electric motor 1, a rotatable shaft rotatable about a second axis of rotation (see Fig. 1) and an elastomers (see col. 2, line29-34) frusto-conical driver 26. Regarding claim 2, Santilli teaches the longitudinal extending mounting member generally parallel with the housing (see Fig. 2). Regarding claim 4, Santilli teaches a plurality of threaded openings (see col. 2, lines 1-2) and a plurality of screws 7.

4. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Povleski (4,972,589).

Art Unit: 3724

Povleski discloses the invention including an electric power rotary element (see Fig. 1), a rotatable shaft driven 40, a frusto-conical driver 27, rotatable hub 14, a housing 48, a first longitudinal extending portion 36 and the first end of member 44 connected to the housing, means 98 for fixing the attachment to the housing and a second portion (the second end of member 44 connected to the housing).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santilli (2,972,363) in view of Liberatoscioli (5,303,471).

Santilli discloses (Fig. 1-12) the invention substantially as claimed except for a strap. However, Liberatoscioli teaches the use of a strap 21 for the purpose of firmly affixing the support arm to the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Santilli's fixing means by providing the strap as taught by Liberatoscioli in order to obtain a device that firmly affix the support arm to the housing.

Art Unit: 3724

7. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton (530,791) in view of Liberatoscioli (5,303,471).

Regarding claim 6, Newton discloses (Fig. 1-3) the invention substantially as claimed including an electric power rotary element (col. 1 lines 5-6), a rotatable shaft driven *F*, a frusto-conical driver (*B* and *D*) and rotatable hub *A'*. Newton does not show a housing, a first longitudinal extending portion, means for fixing the attachment to the housing and a second portion. Regarding claim 6, Liberatoscioli teaches the use of a housing (see Fig. 1), a first longitudinal extending portion 20, means 21 for fixing the attachment to the housing and a second portion 24 for the purpose of firmly affixing the saw to the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Newton's device by providing the housing, the first longitudinal extending portion, means for fixing the attachment to the housing and the second portion. Regarding claim 8, Liberatoscioli teaches a pair of adjustable straps 21.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Povleski (4,972,589) in view of Liberatoscioli (5,303,471).

Povleski discloses (Fig. 1-12) the invention substantially as claimed except for a pair of adjustable straps. However, Liberatoscioli teaches the use of a pair of adjustable straps 21 for the purpose of firmly affixing the support arm to the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Povleski's

Art Unit: 3724

fixing means by providing the pair of adjustable straps as taught by Liberatoscioli in order to obtain a device that firmly affix the support arm to the housing.

***Allowable Subject Matter***

9. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duggan et al., Kirk and Gallatin are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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8/16/05



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